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DATE FILED: 6/14/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROSENFELD & COMPANY, PLLC,

Plaintiff,

- against -

TRACHTENBERG, RODES & FRIEDBERG LLP,
STAR AUTO SALES OF BAYSIDE, INC.
(d/b/a STAR TOYOTA OF BAYSIDE), STAR
AUTO SALES OF QUEENS, LLC (d/b/a STAR
SUBARU), STAR HYUNDAI LLC (d/b/a STAR
HYUNDAI), STAR NISSAN, INC (d/b/a
STAR NISSAN), METRO CHRYSLER PLYMOUTH
INC (d/b/a STAR CHRYSLER JEEP DODGE),
STAR AUTO SALES OF QUEENS COUNTY LLC
(d/b/a STAR FIAT), and STAR AUTO
SALES OF QUEENS VILLAGE LLC
(d/b/a STAR MITSUBISHI),

Defendants.

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STAR AUTO SALES OF BAYSIDE, INC
d/b/a STAR TOYOTA OF BAYSIDE, et al.

Defendant-Counterclaimants,

- against -

ROSENFELD & COMPANY, PLLC,

Plaintiff-Counterclaim Defendant.

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STAR AUTO SALES OF BAYSIDE, INC
d/b/a STAR TOYOTA OF BAYSIDE, et al.

Defendant-Cross-claimants,

- against -

TRACHTENBERG, RODES & FRIEDBERG LLP,

Plaintiff-Cross-Claim Defendant.

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STAR AUTO SALES OF BAYSIDE, INC
d/b/a STAR TOYOTA OF BAYSIDE, et al.

21 Civ. 3858 (VM)

ORDER

Third-Party Plaintiffs,	:
	:
- against -	:
	:
BARRY J. FRIEDBERG and LEONARD A.	:
RODES,	:
	:
Third-Party Defendants.	:
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VICTOR MARRERO, United States District Judge.

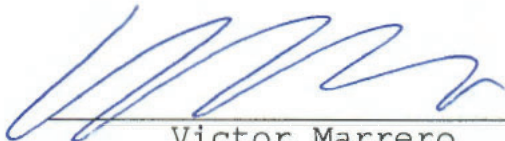
On December 21, 2021, and consistent with the Court's Individual Practices, counsel for defendant Trachtenberg Rodes & Friedberg LLP and third-party defendants Barry J. Friedberg and Leonard A. Rodes (collectively, "TRF Defendants") sent counsel for Star Auto Sales of Bayside, Inc. d/b/a Star Toyota of Bayside, Star Auto Sales of Queens, LLC d/b/a Star Subaru, Star Hyundai LLC d/b/a Star Hyundai, Star Nissan, Inc d/b/a Star Nissan, Metro Chrysler Plymouth Inc. d/b/a Star Chrysler Jeep Dodge, Star Auto Sales of Queens County LLC d/b/a Star Fiat, and Star Auto Sales of Queens Village LLC d/b/a Star Mitsubishi (collectively, "Star Auto Group") a premotion letter identifying alleged deficiencies in the Amended Cross Claims and Third-Party Complaint (Dkt. No. 73) that Star Auto Group filed in this action, and that allegedly would provide a basis supporting a motion to dismiss. (See Dkt. No. 87.) On December 27, 2021, also consistent with the Court's Individual Practices, counsel for Star Auto Group sent a three-page letter in response, opposing the grounds that TRF Defendants stated in favor of the proposed motion. On January 22, 2021, the Court received a letter from TRF Defendants requesting a premotion conference, and asserting that the letter exchange did not

resolve the dispute and thus failed to avoid motion practice at this stage of the proceedings. (See Dkt. No. 88.)

Upon review of all premotion letters, the Court is not persuaded that a premotion conference or further briefing is necessary to resolve the parties' dispute. In accordance with this Court's Individual Practices and Rule 7.1 of the Court's Local Rules, TRF Defendants may file a motion to dismiss which shall not exceed three pages in length (single spaced, twelve font), unless, upon a party's request, the Court authorizes a larger number. The substance of such motion may not deviate materially from the basis for dismissal that TRF Defendants stated in its initial premotion letter. In response, within seven (7) days of the filing of the TRF Defendants' motion, Star Auto Group may file its opposition, which may similarly not exceed three pages (single spaced, twelve font), opposing the motion. TRF Defendants may file a three-page reply within seven (7) days of the filing of Star Auto Group's response.

SO ORDERED.

Dated: New York, New York
June 14, 2022



Victor Marrero
U.S.D.J.